



UNITED STATES MARINE CORPS  
MARINE CORPS SYSTEMS COMMAND  
2200 LESTER STREET  
QUANTICO, VIRGINIA 22134-5010

IN REPLY REFER TO:

5720  
DON-USMC-2014-008027  
2 Sep 14

Mainstream Engineering Corporation  
Mr. John Palmisano  
200 Yellow Place  
Rockledge, FL 32955

SUBJECT: FOIA DON-USMC-2014-008027

Dear Mr. Palmisano:

This responds to your FOIA request dated July 28, 2014, which requests a copy of the following documents:

(1) Copy of the contract issued to Bren-Tronics, Inc. and the related Statement of Work and/or other description of the technical specifications for a SOLDIER PORTABLE CHARGER, model PP-8498/U, TAMCN: A0012, NSN: 6130-01-495-2839. Any and all contract documents issued by the Marine Corps to Bren-Tronics in its entirety as specifically applicable to the SOLDIER PORTABLE CHARGER as detailed herein, including all Exhibits, Attachments, Modifications, and related justifications & Approvals; - **releasable portions are enclosed.**

(2) The proposal submitted by Bren-Tronics, Inc. in connection with the Marine Corps contract referenced in (1) above, to the extent the proposal as incorporated by reference into the contract; **the proposal was not incorporated and therefore is protected from release pursuant to FOIA Exemption 5 U.S.C. § 552(b)(3) and the Trade Secrets Act**

(3) The Acquisition Plan and related records developed in connection with the Marine Corps contract referenced in (1) above, including (i) records describing the Marine Corps' rationale for selection of contract type, and (ii) records discussing the source-selection procedures for the acquisition, including the evaluation of proposals, and the relationship of evaluation factors to the attainment of the acquisition objectives; - **we have no documents responsive to this portion of your request - this contract provided logistical support to an Army contract that was already in place.**

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(4) Records memorializing or otherwise discussing the Marine Corps' rationale for awarding the production phase(s) of the contract on a firm fixed-price basis or a cost-reimbursement basis (whichever applies); and - **we have no documents responsive to this portion of your request - this contract provided logistical support to an Army contract that was already in place.**

(5) Records memorializing or otherwise discussing the Marine Corps' source selection rationale and decision. - **we have no documents responsive to this portion of your request - this contract provided logistical support to an Army contract that was already in place.**

In light of the *MCI Worldcom, Inc. v. GSA* decision, the Department of Justice Office of Information and Privacy has advised the Navy Office of the General Counsel that submitter notification in accordance with Executive Order 12,600 should be made whenever an agency receives a FOIA request for documents that contain potentially confidential information in order to obtain and consider any objections to disclosure. Therefore, in accordance with Presidential Executive Order 12,600, we allowed the submitter to review the documents and provide comment.

Pursuant to the aforementioned Executive Order 12,600 request, the submitter provided the Marine Corps Systems Command with proposed redactions pursuant to Exemption 5 U.S.C. § 552(b)(4). These submitter redactions are identified in the enclosed documents.

FOIA Exemption 5 U.S.C. § 552(b)(4) exempts from disclosure (i) voluntarily submitted commercial or financial information provided that the submitter does not "customarily" disclose the information to the public and provided that disclosure would be likely to interfere with the continued and full availability of the information to the government, or (ii) information likely to cause substantial harm to the competitive position of the person from whom it was obtained and likely to impact on the government's ability to obtain reliable information in the future. See Critical Mass Energy Project v. NRC, 975 F.2d 871, 879-80 (D.C. Cir. 1992), cert. denied, 113 S.Ct. 1579 (1993); National Parks & Conservation Ass'n v. Morton, 498 F.2d 765, 766 (D.C. Cir. 1974); Canadian Commercial Corp. v. Dept. of Air Force, 514 F.3d 37 (D.C. Cir., 2008).

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In an effort to minimize further delay we request that you review the enclosures and identify any withheld information that you believe was withheld improperly. MARCORSYSCOM will then determine whether the release of any requested information is proper under the FOIA and provide any additional releasable information in a "final release" letter. If we do not receive any notification from you, which specifically requests the release of any redacted information by September 15, 2014, this letter will become the final response and we will close this FOIA request.

As of September 2, 2014, two hours of search and review (currently billed at \$44 per hour) have been expended during the processing of your request. Please remit a check or money order, payable to the Treasurer of the United States in the amount of \$88.00 to: COMMANDER, ATTN LAW, MARCORSYSCOM, 2200 LESTER STREET, SUITE 120, QUANTICO VA 22134-5010.

If at any time you are not satisfied that a diligent effort was made to process your request, you may file an administrative appeal with the Assistant to the General Counsel (FOIA) at: Department of the Navy, Office of the General Counsel, ATTN: FOIA Appeals Office, 1000 Navy Pentagon Room 4E635, Washington DC 20350-1000.

For consideration, the appeal must be received in that office within 60 days from the date of this letter. Attach a copy of this letter and a statement regarding why you believe an adequate search was not conducted. Both your appeal letter and the envelope should bear the notation "FREEDOM OF INFORMATION ACT APPEAL". Please provide a copy of any such appeal letter to the MARCORSYSCOM address above.

Any questions concerning this matter should be directed to Mrs. Bobbie Cave at (703) 432-3934 or [bobbie.cave@usmc.mil](mailto:bobbie.cave@usmc.mil).

Sincerely,



for

LISA L. BAKER  
Counsel